

# PRELIMINARY

## MAINE

Maine ranks 34th among the states in number of local governments, with 826 as of June 2002.

### COUNTY GOVERNMENTS (16)

There are no areas in Maine lacking county government. The county governing body is the board of county commissioners. County commissioners carry out the following duties: maintain and manage county receipts and expenditures, serve as the official representative of a county, manage county property and business (such as maintaining the county courthouse and jail, maintaining roads in unorganized territories, and to carry out a few police functions, etc.), and appoint an agent to convey real estate. These functions are limited when compared to the other local government services provided by cities or towns. Services in unorganized territories that are not handled by counties, cities, or towns are provided by the state.

### SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (489)

The 489 subcounty general purpose governments in Maine comprise 22 municipal (city) governments and 467 town or plantation governments. These two types of governments are distinguished primarily by the historical circumstances surrounding their incorporation. In Maine, city, town, and plantation governments have similar powers and perform similar functions.

#### Municipal Governments (22)

The term “municipality,” as defined for census statistics on governments, applies only to the cities in Maine. Cities are created by special legislation and exist outside the area of any town. Under home rule, cities may draft their own charters. Municipal officers include the mayor and alderman or councilors of a city. Contrary to state definition of municipalities, towns and plantations are classified as towns or townships for census purposes. Village corporations are counted as special district governments (see “Special District Governments” below).

#### Town or Township Governments (467)

Although not differing in legally authorized powers from the types of municipal governments described

above, units in Maine designated as “towns” and “plantations” are counted in census statistics on governments as town governments.

While town governments exist in each county in Maine, they do not cover the entire area of each county. Cities, gores, Indian reservations, and unorganized territories exist outside the area of any town or plantation.

Towns are governed by a board of selectmen or councilors. Plantation executive bodies are known as the board of assessors. Under home rule provisions, towns may draft their own charters. These units perform many of the same duties that are commonly associated with county governments in other states.

Under Maine law, the term “township” refers to tracts of land within unorganized territory, and not to towns, plantations, or other local governments.

### PUBLIC SCHOOL SYSTEMS (295)

#### School District Governments (99)

Only the following types of school districts in Maine are counted as separate governments for census purposes:

- School administrative districts
- Community school districts
- Incorporated school districts
- Applied technology (vocational) regions
- Interstate school districts
- Indian schools

School administrative districts constitute the majority of school district governments in Maine. Districts are formed only when criteria regarding the number of secondary pupils to be educated are met. Districts serve two or more participating cities, towns, or plantations. An elected board of directors governs each school administrative district. District directors determine district tax requirements subject to voter approval; participating cities and towns collect the

taxes on behalf of the district. The district also may issue bonds after voter approval.

Community school districts are school administrative units formed between two or more participating cities, towns, or plantations for any combination of grades from kindergarten through grade 12. Each community school district is governed by an elected board of trustees and a district school committee. District school committee members are selected by and from the elected school committees of the participating cities, towns, and plantations, except that districts providing kindergarten and grades 1 through 12, inclusive, must elect the members. The district school committee determines district tax requirements, subject to voter approval, to be collected by the participating cities, towns, and plantations. The committee may issue bonds with the approval of the district trustees.

Maine law also provides for incorporated school districts serving a single city or town. A meeting of the voters governs the district. Financial provisions for incorporated school districts are similar to those for school administrative districts.

Interstate school districts provide for the construction and operation of schools. The districts are governed by an elected board. They may issue bonds, accept grants, and make special assessments.

The applied technology (vocational) regions are governed by cooperative boards with the power to issue bonds subject to referendum.

Indian schools are now classified as independent school district governments. Prior to the 1992 Census of Governments, these school districts were classified as systems dependent on the state government. An elected tribal school committee governs each school under the laws applicable to school administrative units. Only three Indian school committees were active in June 2002: Indian Island Indian Schools, Peter Dana Point Indian Schools, and Pleasant Point Indian Schools..

### **Dependent Public School Systems (196)**

Maine statutes provide for the following types of dependent public school systems:

Systems dependent on municipal governments (17):

City school systems

Systems dependent on town governments (177):

Town school systems

Systems dependent on the state government (1):

Schools in unorganized territory

Education in Maine is provided principally through the 17 city and 177 town school systems. These systems are classified for census purposes as dependent agencies of city or town governments and are not separate governments. Although these school systems are counted as governed by elected school committees, their fiscal needs are provided by the city and town governments they serve. Union school systems, another type of dependent public school system, provide for school construction for adjoining cities, towns, or plantations. These systems are governed by either a joint union school committee or the school committee of the town where the school facilities are located.

The schools in unorganized territory are operated and maintained by the State Department of Education.

### **Other Educational Activities**

Maine law provides for school unions, formerly known as supervisory unions. School unions are entities for the employment of a superintendent to serve several towns. These unions are joint educational service agencies of the public school systems they serve and are not counted as separate governments.

State law, by special act, allows school districts to erect and maintain buildings for city and town schools. These districts and activities are dependent upon the cities and towns that they serve, and are not counted as separate governments. Similarly, vocational centers are also considered to be dependent activities of the participating city and town school systems, and are not counted as separate governments.

Post-secondary vocational-technical institutes are classified as state institutions, and are not counted as separate governments for census purposes.

Maine law also provides, by special act, for school “districts” to erect and maintain buildings for city and town schools. These “districts” are dependent activities of the cities or towns they serve and are not counted as separate governments.

Similarly, the applied technology centers are dependent activities of the participating city and town school systems and are not counted as separate governments. The postsecondary applied technology institutes are classified as state institutions and are not counted as separate governments.

School units which do not operate schools may contract with other schools, both public and private, to educate their students. Contracts with private schools require that a joint committee be formed to govern the school. This joint committee is composed of an equal number of representatives from the public school and the private school. Joint committees are classified as a

dependent activity of the administering school unit and are not counted as separate governments.

## **SPECIAL DISTRICT GOVERNMENTS (229)**

Maine statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below. The term “municipality,” as used in the following descriptions, refers to cities, towns, and plantations.

### **Cemetery Districts**

Cemetery districts are created by special acts, subject to local referendum, with similar provisions as to their administration and financing. An elected board governs each district. The districts may sell lots and accept gifts and donations.

#### **Cobbossee-Annabesacook Watershed District**

A 1971 special act, subject to local referendum, authorizes the establishment of this district to control the level and improve the quality and purity of the water in the Cobbossee-Annabesacook Watershed. A board of trustees, appointed by the officials of the participating cities, towns, and water districts, governs this district. Bond issues must be approved by the voters. The district budget also is subject to voter approval at an annual district meeting. The cost of financing the district is apportioned to the constituent underlying governments on the basis of their assessed valuation. This district, approved by the voters, is the successor to the Cobbossee-Annabesacook Authority. The district may accept grants and contributions.

### **Hospital Districts**

These districts are authorized by special acts subject to local referendum but with similar powers. An elected board administers each district. Hospital districts may collect charges, determine the amount of taxes to be levied for their use, accept grants and loans, and issue bonds. The Caribou Hospital District is not counted as a separate government, because title to its property reverts to the city of Caribou when district debt is paid. See “Subordinate Agencies and Areas,” below.

### **Housing Authorities**

Housing authorities may be created in a city or town by resolution of the city or town governing body. A board of commissioners governs each authority; members are appointed by the mayor in mayor-council cities, by the council in other cities, and by the selectmen in towns. These authorities may issue bonds and fix and collect rents from the housing projects. They also may accept Federal grants.

### **Lewiston-Auburn Water Pollution Control**

### **Authority**

This authority was authorized by a special act. It is administered by a board consisting of the director of the Lewiston Department of Public Works, the Lewiston city administrator, a member of the Lewiston Board of Public Works, the president of the Auburn Sewerage District trustees, the superintendent of the Auburn Sewerage District, the Auburn city manager, and an additional member selected by the mayor of Lewiston. The authority board determines its fiscal needs and apportions them to the city of Lewiston and the Auburn Sewerage District. The authority may accept grants and issue bonds.

### **Light and Power Districts**

These districts were established by special acts approved by local referendum to acquire and operate power houses and sell electric power. An elected board of trustees governs each district. Light and power districts may issue bonds and fix and collect rates for services. The districts may reorganize as municipal electric districts.

#### **Loring Development Authority**

This authority was established by special act to acquire and manage the properties within the geographical boundaries of Loring Air Force Base. A board of trustees governs the authority; 12 members and one commissioner of a department of state government, ex officio, are appointed by the Governor subject to confirmation by the senate. The authority may issue revenue bonds subject to the approval of the Maine Finance Authority; accept loans, grants, and contributions; and set and collect fees, charges, and rents. The treasurer of state may issue state-guaranteed bonds at the request of the authority with authorization by the legislature and voter approval. The authority may establish a port of entry, international airport, foreign trade zone, and free port area at its discretion. The authority has many municipal powers, such as, the power to create special utility districts, provide fire and police protection, and provide public works.

Special utility districts (sanitary districts, refuse disposal districts, and water districts) created by the authority are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Maine Municipal and Rural Electrification Cooperative Agency**

This agency was established by 1981 legislation to provide wholesale electric power. A board of directors is appointed by the Governor; the director of the Office of Energy Resources serves in an ex officio capacity. The agency may fix rents, rates, and other charges, receive appropriations from member cities and towns,

and issue revenue bonds.

### **Maine-New Hampshire Interstate Bridge Authority**

This interstate authority is discussed in detail under “New Hampshire—Special District Governments.”

### **Municipal Electric Districts**

These districts to provide electric power are established by petition to or ordinance of the governing bodies of one or more municipalities, after voter approval. An elected board of trustees governs each district; if the district serves more than one municipality, there are two trustees elected from each participating municipality. The district may fix rates and after voter approval, may issue revenue bonds.

### **Port Districts**

Port districts were created by special acts, subject to local referendum, to provide docking and transportation facilities for islands and coastal ports in the state. An elected board of trustees governs each district. Port districts may fix and collect fees and charges for facilities and services, levy special assessments, and issue bonds.

### **Recreation Center Districts**

The Bangor Recreation Center and District was created by a 1951 special act, subject to referendum. A board of trustees appointed by the city council governs the district. The board may issue bonds and levy ad valorem taxes.

Two recreation center districts, created by special acts, are classified as subordinate agencies based on the provisions of the authorizing legislation. See “Subordinate Agencies and Areas,” below.

### **Refuse Disposal Districts**

These districts provide solid waste disposal and resource recovery. The districts are established by application of one or more municipalities, or counties on behalf of unorganized territories, to the commissioner of environmental protection, after public hearing and referendum. A board of directors, appointed by the participating governments in accordance with agreement, governs each district. The district may fix fees and charges, issue bonds, and after voter approval, levy special assessments. Longterm bonds of \$1,000,000 or more require voter approval.

Districts of this type that serve only one municipality or unorganized territory are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Sanitary Districts or Sewer Districts**

The Maine Sanitary District Enabling Act permits the establishment of sanitary districts by the board of environmental protection upon application of municipal officers or residents of unorganized territory, following public hearing and local referendum. An elected board of trustees governs each district. Sanitary districts may collect rates and charges, levy benefits assessments, and issue bonds.

A general law effective January 1, 1982 requires that new sewer districts, as well as the charters of sewer districts already established under private and special laws, comply with uniform provisions in regard to rate schedules, sewer extensions, and other operating procedures. Furthermore, all existing sewer districts may opt to reorganize as sanitary districts under the provisions of the Maine Sanitary District Enabling Act.

The Kennebec Sanitary Treatment District was authorized by a 1971 special act. A board of trustees appointed by the participating municipalities governs the district. The district trustees apportion annual costs to the participating Towns and the Waterville Sewerage District and may also Collect charges from other users of its facilities. The district may also issue bonds.

Sanitary districts created by the Loring Development Authority are subordinate agencies of the authority. See “Subordinate Agencies and Areas,” below.

### **Soil and Water Conservation Districts**

These districts may be formed by the State Soil and Water Conservation Commission upon petition of the occupiers of the land within the proposed district and after a public hearing and a local referendum. Each district is governed by a board of five supervisors, two of whom are appointed by the State Soil and Water Conservation Commission and three are elected. The districts may require contributions from landowners for services.

### **Transportation Authorities and Districts**

A general law permits two or more municipalities in the same geographic public transportation region to establish a municipal transit district by legislative resolution. Municipalities not in the same region must gain approval from the State Department of Transportation to join. The district governing body is a board of directors appointed by the officials of the member municipalities; the number of directors depends on the population size of each municipality. The entities may fix fares, issue bonds, and levy property taxes. The Greater Portland Transit District, which comprises the cities of Portland and Westbrook, was established under this law.

The Lewiston-Auburn Transportation Authority was established by a 1959 special act. A board of five trustees, appointed in a manner determined jointly by the two participating cities, governs the authority. It may fix rates and charges and issue bonds.

The Casco Bay Island Transit District was authorized by a 1981 special act to operate ferry services. A board of 12 elected directors governs the district. The district may fix tolls and issue revenue bonds.

Districts serving only one city or town are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Village Improvement Corporations**

Village corporations or “village improvement societies” are established by special legislation for limited special purposes within town areas. An elected board of assessors, trustees, or managers governs each corporation. These corporations may levy ad valorem taxes and fix charges for services.

### **Water, Standard and Sewer Districts**

Water and sewer districts have been individually established by special acts, but all are under substantially uniform provisions as to their organization and operation. The functions performed by districts of this type vary according to the provisions of the specific authorizing legislation; examples of functions performed include water supply, sewerage, or both. A few districts of this type also may provide electric power. The districts in most instances are governed by an elected board of trustees, although a few have locally appointed boards. The districts may issue bonds, and fix and collect rates for services. Bonds of \$150,000 or more require voter approval. Some of the districts may levy special assessments. Several districts of this type are named “utilities districts” or “water and electric districts.”

An act of the legislature requires uniform procedures for establishment and operation of water districts formed on or after January 1, 1982. An elected board of trustees governs such districts. Voter approval of the level of debt authorization may be required as the result of voter petition. Charters of already existing water districts not in conformity with the above provisions after January 1, 1982, must be changed.

Water districts created by the Loring Development Authority are subordinate agencies of the authority. See “Subordinate Agencies and Areas,” below.

### **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in Maine that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local

governments and are not counted as governments. Legal provisions for some of the larger of these are discussed below (see “Public School Systems,” above, regarding educational agencies of this nature).

**Maine Municipal Bond Bank Authority (state).** The Maine Municipal Bond Bank was created by act of the legislature to provide adequate capital markets for local governments in Maine. The bank is governed by a board of five commissioners, consisting of the treasurer of state and the superintendent of banking, ex officio, plus three commissioners appointed by the Governor. The bank may fix fees and charges for its services, accept appropriations and grants, and issue bonds.

Maine School of Science and Mathematics (state). This state established this entity as a public chartered school for the purpose of providing certain high-achieving high school students with a challenging educational experience. The board consists of five trustees representing state and local education entities and 12 citizens who are appointed by the Governor. The school may accept state funds, Federal and other grants and donations; issue revenue bonds; borrow funds; and charge out-of-state tuition.

Maine State Housing Authority (state). This authority was established to provide mortgage credit for low and moderate income housing. The authority is governed by a board of seven members, five of whom are appointed by the Governor, plus the treasurer of state and the director of the authority who serve in an ex officio capacity. The authority may receive appropriations, grants, and contributions; fix fees and charges in connection with its loans; and issue revenue bonds.

Maine Turnpike Authority (state). This authority was established by special act. The authority board consists of four members appointed by the Governor plus the commissioner of transportation, ex officio. The authority may collect tolls and charges and may issue revenue bonds.

**Urban renewal authorities (city and town).** A general law provides that these authorities may be established on resolution of municipal officials and after local referendum. A board of trustees appointed by officials of the sponsoring city or town governs each agency. These agencies receive revenue from charges, grants, loans, and contributions, and may issue revenue bonds. The sponsoring government may levy taxes and issue bonds on its behalf.

The Portland Renewal Authority and the Bangor Urban Renewal Authority were established by special acts. Each is administered by a board of commissioners appointed by the respective city council. Other provisions for these two agencies are similar to those provided under general law above.

Other examples include:

**State**

Atlantic Salmon Authority  
Baxter State Park Authority  
Maine Children's Trust Incorporated  
Maine Government Facilities Authority (Court)  
Maine Development Foundation  
Maine Educational Loan Authority  
Maine Finance Authority  
Maine Health and Higher Educational Facilities  
Authority  
Maine Port Authority  
Maine Public Utility Financing Bank  
Maine Science and Technology Foundation  
Northern New England Passenger Rail Authority  
Pineland Development Authority

**County**

Cumberland County Recreation Center and District

**Municipal**

Caribou Hospital District  
City health boards  
City parking districts  
Conservation commissions  
Eastport Landing Authority  
Energy commissions  
Kenduskeag Development District (Bangor)  
Portland Coliseum Recreation Center District  
Primary assessing districts

Refuse disposal districts (singlecity)  
Sanitary districts (Loring)  
Transportation districts (single-city)  
Water districts (Loring)

**Town**

Conservation commissions  
Energy commissions  
Norridgewock Airport Authority  
Northern Aroostook Airport Authority  
Primary assessing districts  
Town health boards  
Town of Kittery Port Authority  
Town parking districts  
Transportation districts (single-town)

**Other**

The following are geographical areas outside the area of any town or organized plantation, and are not counted as governments: gores, surpluses, islands, and townships. Maine laws also provide for various types of local areas for election purposes and administration of justice.

<sup>1</sup> Prior to the 1992 Census of Governments, school unions were listed as "school administrative districts".

<sup>2</sup> Legislation enabling the Jail Industries Authority was repealed in 1999 and Jobs for Maine Graduates became a private not for profit agency in 1993.

<sup>3</sup> Legislation enabling municipal development districts to exist has been repealed as of 2001.